

ENTERED

March 22, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

TOMMY ALLEN O'NEAL,	§
	§
Petitioner,	§
VS.	§ CIVIL ACTION NO. 2:20-CV-176
	§
BOBBY LUMPKIN,	§
	§
Respondent.	§

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Before the Court is Respondent's Motion to Dismiss (D.E. 29), to which Petitioner did not respond. On February 18, 2021, United States Magistrate Judge Julie K. Hampton issued her "Memorandum and Recommendation" (D.E. 51), recommending that the motion to dismiss be granted and that this action be dismissed as barred by the statute of limitations. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge's Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge's memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's Memorandum and Recommendation (D.E. 51), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the motion to dismiss (D.E. 29) is **GRANTED** and this action is **DISMISSED WITH PREJUDICE**. In the event that Petitioner requests a Certificate of Appealability, that request is **DENIED**.

ORDERED this 22nd day of March, 2021.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE